



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,272	02/17/2004	Gerhard Schmid	27392/27597	2236
4743	7590	06/06/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			PASCHALL, MARK H	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,272	Applicant(s) SCHMID, GERHARD	
	Examiner Mark H. Paschall	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the term "purposively" in line 5 is confusing. Correction is required. See MPEP § 608.01(b).

The drawings were received on 01-31-05. These drawings are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohn in view of Ng et al. claims are unpatentable for the same reasons set forth in the prior office action, page 3.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohn in view of Ng et al as applied to claims 1,4-15 above, and further in view of Schindler. Claim 2 is rejected for the same reasons set forth in the prior office action pp 3-4.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohn in view of Ng et al as applied to claims 1,4-15 above, and further in view of Juodikis .

Claim 3 is rejected for the same reasons set forth in the prior office action , page 4.

Claims 1,4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either West 839' or Schmidt 087', in view of Rainey.

Both Schmidt and West teach a dental hand piece having both water and media which are temperature controlled by respective heaters 10 in West and 41,42 in Schmidt. Note that West also teaches a manual switch for the heating , see column 8 line 37. these patents do not set forth remote control of the device as claimed. However, as set forth in Rainey, remote control is set forth, see column 6 line 4, and use of the same leads to the benefit of less personnel costs and consistency of disinfecting the device. In view of these teachings it would have been obvious to modify the West or Schmidt systems to have remote access of the heaters in the device, so that personnel costs and a cleaner device would be effected.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over west or Schmidt, in view of Rainey as applied to claims 1,4-15 above, and further in view of Schindler. In view of Schindler teaching parallel switches as conventional, it would have been obvious to further modify either West or Schmidt with the same to attain more effect switching of the heating current.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over West or Schmidt, in view of Rainey as applied to claims 1,4-15 above, and further in view of Juodikis. In view of Juodikis teaching optical coupling as conventional, it would have been obvious to modify the West or Schmidt systems further to include the same so that the enhancement of system component isolation would be attained, enhancing the effectiveness of the control system.

Claim rejected under 35 U.S.C. 103(a) as being unpatentable over ***.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rainey. Note Rainey teaches remote access to the heating system for the dental hand piece during cleaning, as claimed. See column 6, last paragraph.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by West.

West sets forth in column 8 lines 37-39 that a manual on/off switch can be used to shut down the heater system, when desired, which could be effected during cleaning.


Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. With respect to the rejection of Lohn in view of Ng et al, it is submitted that remote control is conventional on most conventional appliances today, and Ng et al shows remote control of a heating device. One of ordinary skill in heating control would find it well within the level of ordinary skill in the art to control the heating device of Lohn remotely, if desired. For instance a room heater can be remotely controlled from the office to make the temperature comfortable before a homeowner arrives home. Likewise the dental operator could have the hand-piece pre-heated before arrival at work, to also save time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark H Paschall
Primary Examiner
Art Unit 3742

mp